


CITY COUNCIL ACTION REQUEST

Department(s): Economic Development	CEQA: Exempt, File No. PP10-101	Coordination: City Attorney's Office and PRNS	Dept. Approval: /s/ Kim Walesh
Council District(s): 4			CMO Approval: 

SUBJECT: FIFTH AMENDMENT TO THE AGREEMENT FOR THE OPERATION OF THE SAN JOSE MUNICIPAL GOLF COURSE

RECOMMENDATION:

Approval of a fifth amendment to the operating agreement for the operation of the San Jose Municipal Golf Course, between the City of San Jose and Mike Rawitser Golf Shop, a California Corporation, reducing the area of the golf course by approximately 26,618 square feet.

BASIS FOR RECOMMENDATION:

The City of San Jose (City) and Mike Rawitser Golf Shop (MRGS) entered an agreement for the operation of the San Jose Municipal Golf Course on December 8, 1987. Since that time, the agreement has been amended to extend the term of the agreement and conduct certain operations that have affected the use of the golf course. The fourth and most recent amendment provided for a minor reduction to the property description of the golf course for installation of a new fence along Oakland Road. The City and MRGS desire to further amend and restate the agreement to remove 26,618 (0.61 acres) of vacant, unutilized land from the golf course property description, for one-time compensation of \$25,000 to the Mike Rawitser Golf Shop.

In 2006, City staff identified this 0.61 acre portion of the golf course leased property that was not within the fenced area of the course, or otherwise being utilized for facility purposes. The area is vacant and has required ongoing maintenance by PRNS staff. The property has been marketed for sale in order to reduce maintenance costs and generate one-time revenue for the Municipal Golf Course Fund. On the June 17, 2014 City Council Agenda staff will bring forward a proposed sale of the Property for City Council review. The fifth amendment to the operating agreement must reduce the area of the golf course prior to staff proceeding with the proposed sale of the property. The one-time \$25,000 compensation to MRGS shall be paid from Office of Economic Development's Non-Personal/Equipment (Appropriation 0182) for Real Estate Services and the revenue from the sale of the surplus vacant land will be deposited to the City's General Fund.

COST AND FUNDING SOURCE:

The one-time compensation of \$25,000 to MRGS will be paid from the Office of Economic Development's Non-Personal/Equipment (Appropriation 0182).

FOR QUESTIONS CONTACT: Nanci Klein, Deputy Director, OED 535-8184

ATTACHMENT A

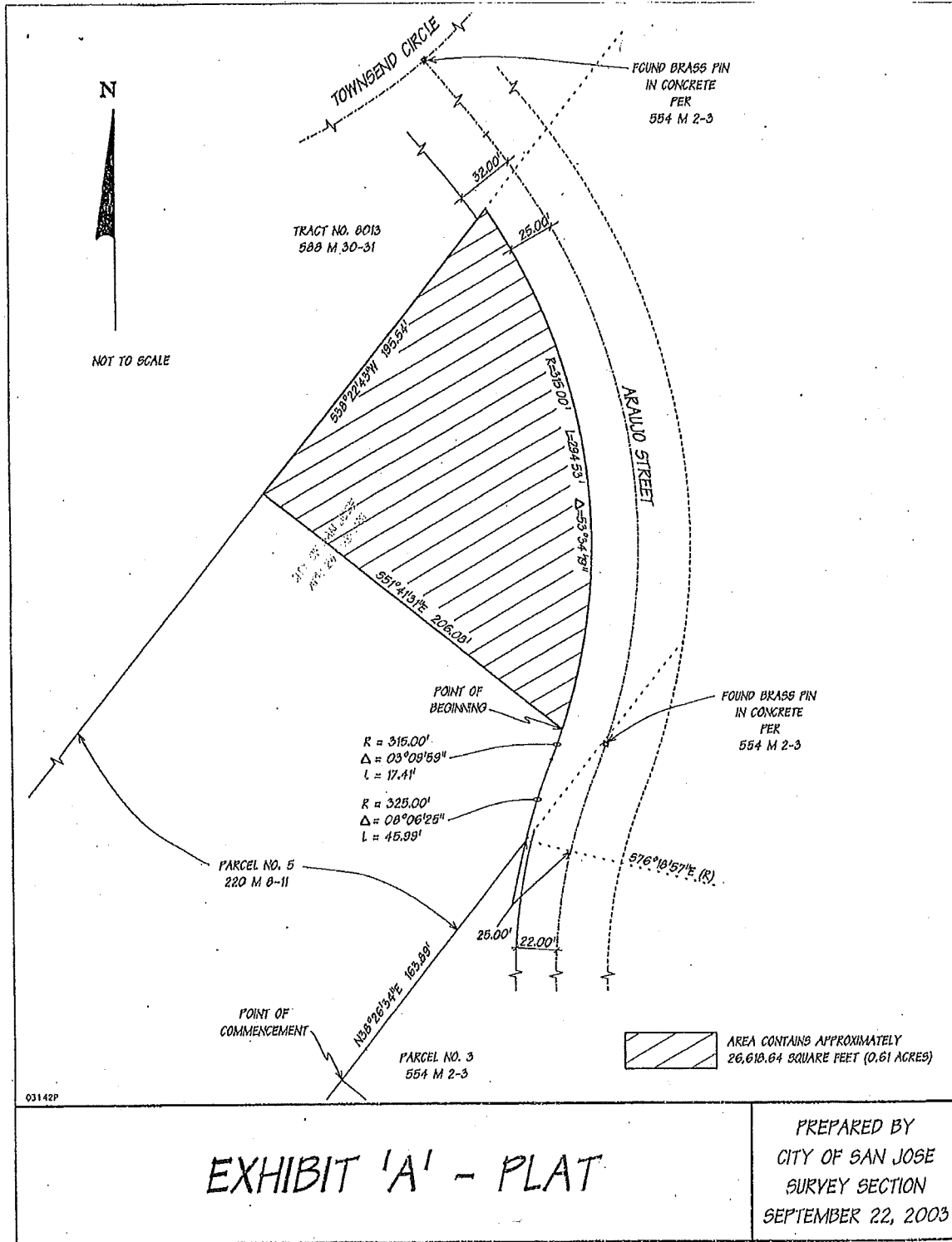


EXHIBIT 'A' - PLAT

PREPARED BY
CITY OF SAN JOSE
SURVEY SECTION
SEPTEMBER 22, 2003

EXHIBIT 'A'
PROPERTY DESCRIPTION

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel No. 5 as shown on the Record of Survey filed for record in Book 220 of Maps, at Pages 8-11, Records of Santa Clara County, and being more particularly described as follows:


Commencing at the most westerly corner of Parcel 3 as shown on the Parcel Map filed for record in Book 554 of Maps, at Pages 2-3, Records of Santa Clara County; thence, along the northwesterly line of said Parcel 3, N 38°26'34" E 163.89 feet to a point that is 25.00 feet distant from, as measured along a radial line to, the monument line of Araujo Street as shown on said Parcel Map; thence from a radial bearing of S 76°18'57" E, northeasterly along a curve to the right, having a radius of 325.00 feet and a central angle of 08°06'25" for a distance of 45.99 feet to a point of reverse curvature; thence northeasterly along a curve to the left, having a radius of 315.00 feet and a central angle of 03°09'59" for a distance of 17.41 feet to the POINT OF BEGINNING; thence continuing along the projection of said last-mentioned curve, a central angle of 53°34'19" for a distance of 294.53 feet; thence along the southeasterly line and its northeasterly projection, of Tract No. 8013, the Map of which was recorded in Book 588 of Maps, at Pages 30-31, Records of Santa Clara County, S 38°22'43" W 195.54 feet; thence leaving said southeasterly line, S 51°41'31" E 206.08 feet to the POINT OF BEGINNING.

Containing approximately 26,618.64 square feet (0.61 acres).

This description was prepared from record information only and does not reflect data based on a field survey. The Basis of Bearings for this description is the bearing N.38°26'34" E of the northwesterly line of Parcel 3 as shown on the Parcel Map filed for record in Book 554 of Maps, at Pages 2-3, Records of Santa Clara County.

Attached hereto and by reference a part hereof is a plat labeled "EXHIBIT 'A' PLAT"
depicting the subject property.

The above description of real property was prepared by me in conformance with the requirements of Section
8726(g, k, l, m) of the Business and Professions Code of the State of California.

 9.22.03
Barry E. Ng PLS7713

